

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 05-10114-RCL
	)	
PEDRO LOBO	)	

**JOINT SUBMISSION OF THE PARTIES UNDER LOCAL RULE 116.5(C)**

Pursuant to Local Rule 116.5(C), the parties state as follows:

1. Outstanding Discovery Issues

The parties are not aware of any outstanding discovery issues not yet presented to or resolved by the Court.

2. Anticipated Additional Discovery

The government has just produced the Grand Jury exhibits of the superseding indictment and will produce the Grand Jury minutes upon receipt of them. The parties are not aware of any discovery required to be produced pursuant to the Local Rules that has not already been produced or addressed by counsel. Should the parties become aware in future of any additional discovery that needs to be disclosed, such discovery will be provided in accordance with the Local Rules.

3. Defense of Insanity or Public Authority

The defendants has not indicated an intent to assert a defense of insanity or public authority.

4. Notice of Alibi

The defendant has not indicated an intent to assert an alibi defense.

5. Dispositive Motions

The defendant intends to file a motion to suppress the items seized as a result of the execution of search warrants. The motion will not be dispositive of the case.

6. Scheduling

The parties are not aware of any issue requiring scheduling and continue efforts to resolve the case.

7. Plea Negotiations

The parties do not anticipate a trial in this matter, and continue plea discussions.

8. Excludable Delay

Pursuant to previous orders of this court, all prior days have been excluded from the calculations of the Speedy Trial Clock. Thus, there are 70 days remaining for a trial in this case. The parties request that the period between October 21, 2005 and the pretrial conference be excluded from the Speedy Trial Clock, in the interests of justice.

9. Whether Trial is Anticipated; Length of Trial

The government does not anticipate a trial in this case.

Respectfully submitted,

PEDRO LOBO  
By his attorney,

MICHAEL J. SULLIVAN  
United States Attorney

s/ James Murphy  
JAMES MURPHY, Esq.

By: s/ Glenn A. MacKinlay  
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DATE: October 21, 2005